

REMARKS

By this Amendment, claims 1 and 20 have been amended. Accordingly, claims 1-15 and 20-28 are currently pending in this application. The amendments to claims 1 and 20 are fully supported by the originally filed application. Accordingly, no new matter has been added by this Amendment.

In the final Office Action dated December 29, 2005, claims 20 and 22-28 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 2,697,433 to Zehnder ("Zehnder"). In addition, claims 1-15 and 21 were rejected under 35 U.S.C. § 103(a), as obvious over Zehnder in view of U.S. Patent No. 3,457,922 to Ray ("Ray").

Applicants respectfully traverse the rejections of claims 1 and 20 in view of Zehnder either alone or in combination with Ray. Neither Zehnder nor Ray disclose or suggest, among other things, an apparatus having an outer rim disposed substantially completely around a perimeter of a base, the base and the outer rim defining an aperture between the perimeter and the outer rim, as recited by amended independent claims 1 and 20. As shown in at least FIGS. 2A-2C of the present application, for example, the outer rim 208 and the base 220 are two distinct components configured such that the outer rim 208 "surrounds the base plate 220." (Application, page 16, lines 31-32.) As examples, "[a]n aperture 207 is located along the perimeter of the base plate 220 and adjacent to the outer stabilizer rim 208," and a "gap 206 [is] located between the base plate 220 and the outer stabilizer rim 208." (Application, page 12, lines 11-17.)

Zehnder, on the other hand, does not disclose or suggest, among other things, an outer rim disposed substantially completely around a perimeter of a base, the base and the outer rim defining an aperture between the perimeter and the outer rim. The current Office Action alleges that the base frame member 10 of Zehnder may be a base as recited in claim 1. The Office Action further alleges that the an upper surface of the base frame member 10 may be a rim, and that this rim may be disposed substantially around a perimeter of the base frame member 10 in the same general sense that a rim of a cup is disposed substantially completely around a perimeter of the cup. Applicants do not necessarily agree with this characterization or interpretation of the prior art. However, even assuming that the upper surface of the base frame member 10 of Zehnder may be a rim, the base frame member 10 and the upper surface of the base frame member 10 do not define an aperture between the perimeter of the base frame member 10 and the upper surface, as required by claim 1. Instead, the upper surface is on frame member 10 without any aperture therebetween.

Ray does not cure these deficiencies. Ray does not disclose or suggest, among other things, any component disposed substantially completely around a perimeter of the tripod base 11 as required by claims 1 and 20. Accordingly, Ray does not disclose or suggest any component defining an aperture between the perimeter of the tripod base 11 and the component.

Since Zehnder fails to disclose or suggest, among other things, an apparatus having an outer rim disposed substantially completely around a perimeter of a base, the base and the outer rim defining an aperture between the perimeter and the outer rim,

either alone or in combination with Ray, Applicants traverse the Examiner's rejection of independent claims 1 and 20. Reconsideration is respectfully requested.

Claims 2-15 depend directly or indirectly from independent claim 1 and claims 21-28 depend directly or indirectly from independent claim 20. Claims 2-15 and 21-28 are therefore allowable for at least the same reasons stated above with regard to claims 1 and 20, respectively. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each are also separately patentable.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-15 and 20-28 in condition for allowance. Applicants submit that the proposed amendments to claims 1 and 20 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.


The final Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the final Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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By: 
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